

HOUSE BILL NO. 696

INTRODUCED BY J. COHENOUR

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE OPERATION OF CERTAIN MOTOR VEHICLES ON THE SHOULDER OF A HIGHWAY; PROVIDING EXCEPTIONS; PROVIDING THAT THE EXCEPTIONS DO NOT APPLY WHEN PEDESTRIANS OR BICYCLISTS ARE WITHIN A CERTAIN DISTANCE OF THE MOTOR VEHICLE; AND AMENDING SECTION 61-8-324, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Driving on shoulder prohibited -- exceptions.** (1) Except as provided in subsection (2), a person may not operate a motor vehicle on the shoulder of a highway.

(2) Subject to subsection (3), the provisions of subsection (1) do not apply:

(a) to a slow-moving vehicle that is permitted to be operated on the shoulder as provided in 61-8-311 and 61-9-415;

(b) when the operator of a motor vehicle is giving way to another motor vehicle passing on the left on a two-lane highway as provided in 61-8-323(2);

(c) when the operator of the motor vehicle is overtaking and passing upon the right of another vehicle that is turning left as provided in 61-8-324(1)(a);

(d) upon the approach of an authorized emergency vehicle or police vehicle as provided in 61-8-346;

(e) when the operator's motor vehicle is disabled or the operator intends to stop, stand, or park the motor vehicle as provided in 61-8-353;

(f) when the movement is necessary to avoid an obstruction or hazard or to lawfully park the vehicle;

(g) when the movement is otherwise required or allowed as indicated by official traffic control devices.

(3) A person may not operate a motor vehicle on the shoulder of a highway at any time that a pedestrian or a person operating a bicycle is on the shoulder within 300 feet of the motor vehicle.

(4) The provisions of this section do not apply to snowmobiles.

Section 2. Section 61-8-324, MCA, is amended to read:

"61-8-324. When overtaking on right is permitted. (1) The ~~driver~~ operator of a vehicle may overtake

1 and pass upon the right of another vehicle only under the following conditions:

2 (a) when the vehicle overtaken is making or about to make a left turn;

3 (b) upon a ~~street or highway~~ roadway with unobstructed pavement not occupied by parked vehicles of
4 sufficient width for two or more lines of moving vehicles in each direction;

5 (c) upon a one-way street, or upon any roadway on which traffic is restricted to one direction of
6 movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving
7 vehicles.

8 (2) The ~~driver~~ operator of a vehicle may overtake and pass another vehicle upon the right only under
9 conditions permitting ~~such~~ the movement in safety. ~~In no event shall such~~ The movement may not be made by
10 driving off the pavement or ~~main-traveled portion of the roadway.~~"

11
12 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
13 integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 1].

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